IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Jitendra Ratan Vs. State of Rajasthan

S.B.CR. MISC. BAIL APPLICATION NO.1846/2007

DATE OF ORDER :: July 04, 2007

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.Sandeep Mehta, for the petitioner.
Mr.Ashok Upadhyaya, P.P. for the State.

BY THE COURT:

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

It is contended by the learned counsel for the petitioner that the complainant filed an application under section 125 Cr.P.C. claiming maintenance against the petitioner and in that she nowhere averred that her dowry articles have been retained by the petitioner and, therefore, it cannot be said that any dowry article was entrusted to the petitioner. Learned counsel for the petitioner further submits that whatever the ornaments the

complainant had, she had taken away with her and lastly it is contended that the petitioner returned the dowry articles to the police station, Mahila Thana, Bikaner on 2.3.2007, list of which has been placed on record.

Learned Public Prosecutor appearing for the State opposes the bail application and submits that after institution of the case, certain dowry articles of the complainant have been returned to the police by the petitioner but the jewellery has not been returned.

From the perusal of the list of the articles handed over to the police, it is nowhere mentioned that jewellery has been returned. The court below has noticed that from the case diary, prima facie, the jewellery alleged to have been entrusted to the petitioner is yet to be recovered. There are allegations that the petitioner used to quarrel with the complainant as per the statements of the neighbouring witnesses.

In the facts and circumstances of the case and keeping in view the question of recovery of jewellery alleged to have been entrusted to the petitioner, in my view, it is not a fit case for grant of anticipatory bail.

The bail application filed by the petitioner under section 438 Cr.P.C. is, therefore, dismissed.

[H.R.PANWAR],J.

m.asif/-